

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ARISTA NETWORKS, INC.,

Plaintiff,

v.

CISCO SYSTEMS INC.,

Defendant.

Case No. 16-cv-00923-BLF

**OMNIBUS ORDER RE: SEALING  
MOTIONS**

[Re: ECF 290, 301, 308, 314]

Before the Court are Arista Networks, Inc. (“Arista”) and Cisco Systems, Inc.’s (“Cisco”) administrative motions to file under seal portions of their briefing and exhibits in connection with the parties’ motions *in limine*. ECF 290, 301, 308, 314. For the reasons stated below, the motions are GRANTED IN PART, DENIED IN PART without prejudice, and DEFERRED IN PART.<sup>1</sup>

**I. LEGAL STANDARD**

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b).

<sup>1</sup> Cisco filed an administrative motion to seal at ECF 283 by error. A corrected motion was filed at ECF 301. Therefore, the motion to seal at ECF 283 is hereby TERMINATED as moot.

A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

## II. DISCUSSION

The Court has reviewed the parties’ sealing motions and the declarations submitted in support thereof. The Court finds that the parties have articulated compelling reasons and good cause to seal certain portions of the submitted documents. The proposed redactions are generally narrowly tailored. The Court’s rulings on the sealing requests are set forth in the tables below:

### A. ECF 290

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
290-4	Arista’s MIL No. 1	GRANTED at to highlighted portions at page 3 lines 5, 6, 14, and 28 and page 4, lines 1 and 2-6. DENIED as to the remainder.	Contains highly confidential and sensitive information relating to Cisco’s internal business strategies and competitive analyses, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶¶ 5, 10.  The remainder is denied because Cisco, the designating party, does not represent that the remaining portions should be sealed. Leary Decl. at ECF 305 ¶ 10.
290-6	Arista’s MIL No. 2	DEFERRED.	The proposed redacted portions at page 2 lines 15-17 and page 4 lines 24-27 correspond to information contained in a sealed Court Order on Motions <i>in Limine</i> from <i>Cisco Systems, Inc. v. Arista Networks, Inc.</i> , No. 14-cv-05344, Dkt. 626 for which a public version has not been filed. Nelson Decl. at ECF 290-1 ¶ 6. Arista states that the proposed redacted portions do not contain any Arista confidential information. <i>Id.</i>  Arista’s motion does not indicate

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			that the proposed redacted portions contain Cisco confidential information. Thus, Cisco did not have the opportunity to consider whether the redacted portions contain sealable information. As such, the Court will allow Cisco to submit a supporting declaration if it seeks to seal the redacted portions.
290-8	Arista's MIL No. 5	DENIED.	Cisco, the designating party, does not represent that any portion of the exhibit should be sealed. Leary Decl. at ECF 305 ¶ 10.
290-9	Exhibit 1 to Arista's MILs	GRANTED as to portions at page 2, lines 10–12. DENIED as to the remainder.	Contains highly confidential and sensitive information relating to Cisco's strategies regarding investigations into competitors' use of its intellectual property, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 4.  The remainder is denied because Cisco, the designating party, does not represent that the remaining portions should be sealed. Leary Decl. at ECF 305 ¶ 4.
290-11	Exhibit 2 to Arista's MILs	GRANTED as to highlighted portions at paragraphs 16, 21, 23–40, and 46.	Contains highly confidential and sensitive information relating to Arista's customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 290-1 ¶ 5.
290-12	Exhibit 3 to Arista's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and competitive analyses, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 5.
290-13	Exhibit 4 to Arista's	GRANTED.	Contains highly confidential and

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	MILs		sensitive information relating to Cisco's internal litigation strategies and internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 6.
290-14	Exhibit 5 to Arista's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal litigation strategies and corporate motivations, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 7.
290-15	Exhibit 9 to Arista's MILs	DEFERRED.	<p>The exhibit is a sealed Court Order on Motions <i>in Limine</i> from <i>Cisco Systems, Inc. v. Arista Networks, Inc.</i>, No. 14-cv-05344, Dkt. 626 for which a public version has not been filed. Nelson Decl. at ECF 290-1 ¶ 6. Arista indicates that at least some portions of the exhibit do not contain confidential information. As such, Arista's request to seal the entire exhibit may not be narrowly tailored.</p> <p>Arista's motion does not indicate that the exhibit contains Cisco confidential information. Thus, Cisco did not have the opportunity to consider whether the exhibit contains sealable information. As such, the Court will allow Cisco to submit a supporting declaration if it seeks to seal any portion of the exhibit.</p>
290-16	Exhibit 13 to Arista's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal litigation strategies and corporate motivations, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 8.
290-17	Exhibit 14 to Arista's	GRANTED.	Contains highly confidential and

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	MILs		sensitive information relating to Cisco's competitive tactics and analyses, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 305 ¶ 9.
290-19	Exhibit 16 to Arista's MILs	GRANTED as to highlighted portions at page 152 lines 2-3, 8-9, 16 and page 153 lines 4-7.	The redacted portions contain personal financial information of a third-party. Nelson Decl. at ECF 290-1 ¶ 7.
290-20	Exhibit 20 to Arista's MILs	GRANTED.	Contains personal financial information of a third-party and confidential business information of third parties, disclosure of which could result in competitive harm to those parties. Nelson Decl. at ECF 290-1 ¶ 8.

**B. ECF 301**

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
301-11	Exhibit 1: Excerpts from sealed Order re Motions <i>In Limine</i> in <i>Cisco Systems, Inc. v. Arista Networks, Inc.</i> , No. 5:14-cv-05344-BLF (N.D. Cal.), dated Nov. 8, 2016.	DEFERRED.	<p>The exhibit contains excerpts from a sealed Court Order on Motions <i>in Limine</i> in <i>Cisco Systems, Inc. v. Arista Networks, Inc.</i>, No. 14-cv-05344, Dkt. 626. Leary Decl. at ECF 301-1 ¶ 2. Cisco states that the excerpts do not contain any Cisco confidential information. <i>Id.</i> Thus, the proposed redactions may not be narrowly tailored.</p> <p>Cisco's motion does not indicate that the excerpts contain Arista confidential information. As such, Arista may not have considered whether it should have submitted a declaration in support of sealing. The Court therefore will allow Arista to file proposed redactions and a declaration if it seeks to seal the excerpts.</p>

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
301-13	Exhibit 5: Excerpts from Arista's Objections And Supplemental Responses To Cisco's Third Set Of Interrogatories, dated Nov. 9, 2017.	GRANTED as to highlighted portions at page 24, lines 19–27; page 25, lines 23–28; and page 26, lines 1–7.	Contains highly confidential and sensitive information relating to Arista's suppliers as well as communication between Arista and its customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 3.
301-15	Exhibit 7: Excerpts from Arista's Objections And Responses To Cisco's Fifth Set Of Interrogatories (Nos. 22–25), dated Nov. 9, 2017.	GRANTED as to highlighted portions at page 6, lines 12–15, 17–23; and page 7, lines 16–17.	Contains highly confidential and sensitive information relating to Cisco's competitive business strategy, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 4.
301-16	Exhibit 9: Excerpts from Arista's Objections And Fifth Supplemental Response To Cisco's First Set Of Interrogatories, dated Nov. 9, 2017.	GRANTED as to highlighted portions at page 25, lines 6–8; page 27, lines 4–7, 11–12, 14; page 28, lines 17–21, 24–27; page 29, lines 1–2, 16–17, 19, 21, 24; page 30, lines 1, 11–14; pages 31–32, table; page 32, lines 15–17, 20–23; page 33, lines 5–6; and pages 33–35, table.	Contains highly confidential and sensitive information relating to Arista's suppliers and Cisco's sales strategies, disclosure of which would cause competitive harm to Arista and Cisco. Leary Decl. at ECF 301-1 ¶ 5; Nelson Decl. at 306 ¶ 4.
301-18	Exhibit 12: Exhibit 1267 to the Nov. 29, 2017 deposition of Kevin McCabe.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's sales and customer service strategies, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 5.
301-19	Exhibit 14: Excerpts from the Dec. 18, 2017, Expert Report of Fiona Scott Morton, Ph.D.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's financial information and Cisco's internal market analyses, disclosure of which would cause competitive harm to Arista and Cisco. Leary Decl. at ECF 301-1 ¶ 7; Nelson Decl. at 306 ¶ 6.
301-20	Exhibit 15: Exhibit 169 to the Nov. 16, 2017	GRANTED.	Contains highly confidential and sensitive information relating to

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	deposition of Ishmael Limkakeng.		Cisco's business and competitive strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 8.
301-21	Exhibit 16: Exhibit 64 to the Nov. 16, 2017 deposition of Ishmael Limkakeng.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 9.
301-22	Exhibit 17: Exhibit 246 to the Dec. 14, 2017 deposition of Soni Jiandani.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 10.
301-23	Exhibit 18: Exhibit 15 to the Oct. 20, 2017 deposition of Frank D'Agostino.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 11.
301-24	Exhibit 19: Exhibit 51 to the Dec. 5, 2017 deposition of Barbara McKeeman.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's product design strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 12.
301-25	Exhibit 20: Excerpts from the transcript of the deposition of Soni Jiandani, dated Dec. 14, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 13.
301-26	Exhibit 21: Excerpts from the transcript of the deposition of Ishmael Limkakeng, dated Nov.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure



<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	16, 2017.		of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 14.
301-27	Exhibit 22: Excerpts from the transcript of the deposition of Yousuf Khan, dated Nov. 2, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 15.
301-28	Exhibit 23: Document produced by Cisco, bearing production numbers CSI-CPT-00004206.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's product design strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 16.
301-29	Exhibit 24: Excerpts from the transcript of the deposition of Cesar Obediente, dated Oct. 24, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 17.
301-30	Exhibit 25: Excerpts from the transcript of the deposition of Frank Palumbo, dated Nov. 3, 2017	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 18.
301-31	Exhibit 26: Excerpts from the transcript of the deposition of Barbara McKeeman, dated Dec. 5, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 19.
301-32	Exhibit 27: Excerpts from the transcript of the deposition of Jena Toledano, dated Dec. 4, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF



<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
			301-1 ¶ 20.
301-33	Exhibit 28: Excerpts from the transcript of the deposition of Sabrina Van Wart, dated Dec. 6, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 21.
301-34	Exhibit 29: Excerpts from the transcript of the deposition of Vinti Batiste, dated Dec. 5, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 22.
301-35	Exhibit 30: Excerpts from the transcript of the deposition of Sarah Buchanan, dated Dec. 5, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 23.
301-36	Exhibit 31: Excerpts from the transcript of the deposition of Anshul Sadana, dated Nov. 7, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's specific customers and communication between Arista and its customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 7.
301-37	Exhibit 32: Excerpts from the transcript of the deposition of Kevin McCabe, dated Nov. 29, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's sales and customer service strategies, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 8.
301-38	Exhibit 33: Excerpts from the transcript of the deposition of Christopher Bellmare, dated Nov. 29, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's sales and customer service strategies, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 9.
301-39	Exhibit 34: Excerpts	GRANTED.	Contains highly confidential and

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	from the transcript of the deposition of Antonio Benoit, dated Nov. 14, 2017.		sensitive information relating to Arista's sales and customer service strategies, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 10.
301-40	Exhibit 35: Excerpts from the transcript of the deposition of Mark Foss, dated Oct. 23, 2017.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's sales and customer service strategies, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 11.
301-42	Exhibit 36: Declaration of Leo Boulton and Exhibit A	GRANTED as to Exhibit A.	Contains highly confidential and sensitive information relating to Cisco's product design strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 29.
301-4	Cisco's Motion <i>In Limine</i> No. 2 To Enforce Judge Van Keulen's November 21, 2017 Order	GRANTED as to highlighted portions at page 1, lines 13–14, 25–28; page 2, 1 lines 1–3, 17–19, 21, 22, 26; page 4, lines 20–21; and page 5, lines 11–12, 17.	Contains highly confidential and sensitive information relating to Arista's communication with specific customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 12.
301-6	Cisco's Motion <i>In Limine</i> No. 3 To Exclude Untimely Disclosed Evidence of Harm to Innovation	GRANTED as to highlighted portions at page 2, lines 5–9.	Contains highly confidential and sensitive information relating to Arista's research and development allocations, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 13.
301-8	Cisco's Motion <i>In Limine</i> No. 4 To Exclude Irrelevant, Inflammatory Documents	GRANTED as to highlighted portions at page 1, lines 7–9; page 2, lines 2–7, 18, 21, 25, 27; page 3, lines 3, 6, 9, 17, 20, 24, 26; page 4, lines 4–7, 13–14, 21–22; and page 5, lines 6, 11, 25–26.	Contains highly confidential and sensitive information relating to Cisco's sales strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 301-1 ¶ 33.
301-10	Cisco's Motion <i>In Limine</i> No. 5 To Exclude Hearsay Concerning Arista Sales Allegedly	GRANTED as to highlighted portions at page 1, lines 25–28; page 2, lines 1–4, 7–22,	Contains highly confidential and sensitive information relating to Arista's communications with customers, disclosure of which

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	Lost Due To Cisco's CLI Conduct	25–26; page 3, lines 6–10, 17–18, 22–28; and page 5, lines 2–8, 10–18.	would cause competitive harm to Arista. Nelson Decl. at 306 ¶ 14.

**C. ECF 308**

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
308-14	Exhibit A: The transcript from the November 15, 2017 deposition of Dan Lang.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 4.
308-16	Exhibit B: The transcript from the November 17, 2017 deposition of Mark Chandler.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 5.
308-24	Exhibit I: Excerpts from the February 12, 2016 deposition of Kenneth Duda	GRANTED.	Contains highly confidential and sensitive information relating to Arista's sales strategies and competitive intelligence, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 329 ¶ 3.
308-26	Exhibit J: Excerpts from the October 24, 2017 deposition of Cesar Obediente	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive tactics and analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 6.
308-28	Exhibit K: Excerpts from the June 7, 2016 deposition of Frank Palumbo	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies, competitive analyses, and assessment of customer needs,

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
			disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 7.
308-32	Exhibit N: Excerpts from the May 25, 2016 deposition of Andreas Bechtolsheim.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's communications with customers, products, and financial information of a third party, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 329 ¶ 4.
308-37	Exhibit R: Excerpts from the November 16, 2017 deposition of Ishmael Limkakeng.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal marketing strategies and product management, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 8.
308-4	Cisco's Opposition to Arista's Motion in Limine No. 1	GRANTED as to highlighted portions at page 1, lines 19 - 26; page 3, lines 18-26; page 4, lines 1-3, lines 16-28; page 5, lines 1-5, lines 9-19.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 10.
308-6	Cisco's Opposition to Arista's Motion in Limine No. 2	GRANTED as to highlighted portions at page 4, line 2.	Contains highly confidential and sensitive information relating to Arista's sales strategies and competitive intelligence, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 329 ¶ 5.
308-8	Cisco's Opposition to Arista's Motion in Limine No. 3	GRANTED as to highlighted portions at page 3, lines 3-4. DENIED as to the remainder.	Contains highly confidential and sensitive information relating to Arista's interactions with a third party and financial information of the third party. Nelson Decl. at 329 ¶ 6.  The remainder is denied because Arista, the designating party, does not represent that the remaining

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
			portions should be sealed. Nelson Decl. at 329 ¶ 6.
308-10	Cisco's Opposition to Arista's Motion in Limine No. 4	DENIED.	Arista, the designating party, does not represent that any portion should be sealed. Nelson Decl. at 329 ¶ 7.
308-12	Cisco's Opposition to Arista's Motion in Limine No. 5	GRANTED as to highlighted portions at page 2, lines 2-3; page 4, lines 11-20.	Contains highly confidential and sensitive information relating to Cisco's internal marketing strategies and financial data, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 308-1 ¶ 14.

**D. ECF 314**

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
314-4	Arista's Opposition to Cisco's MIL No. 2	GRANTED as to highlighted portions at page 2, lines 15-16, 19-20, and 28; page 4, line 15-16.	Contains highly confidential and sensitive information relating to Arista's customers and financial information, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 314-1 ¶ 6.
314-6	Arista's Opposition to Cisco's MIL No. 4	GRANTED as to highlighted portions at page 1, lines 8, 18, 19-21, and 28; page 2, lines 1, 2, 4-5, 6-7, 8, 9, 10, 12-13, 14, 15, and 18-27; page 3, lines 1-6, 8, 9, 10-11, 12, 13, 14, 15, 18, 19, 20, 21, 22-24, and 27-28; page 4, lines 11 and 12-14; page 5, lines 1, 3, 18, 19-21, and 23.	Contains highly confidential and sensitive information relating to Cisco's competitive analyses and intelligence and Arista's customers, disclosure of which would cause competitive harm to Cisco and Arista. Olsheski Decl. at ECF 331 ¶ 5; Nelson Decl. at 314-1 ¶ 6.
314-8	Arista's Opposition to Cisco's MIL No. 5	GRANTED as to highlighted portion at page 4, line 27.	Contains highly confidential and sensitive information relating to Arista's specific customers, disclosure of which would cause competitive harm to Arista. Nelson

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
			Decl. at 314-1 ¶ 6.
314-9	Exhibit E to Arista's Oppositions to Cisco's MILs	DENIED without prejudice.	Cisco, the designating party, has not provided a declaration in support of sealing.
314-10	Exhibit H to Arista's Oppositions to Cisco's MILs	DENIED without prejudice.	Cisco, the designating party, has not provided a declaration in support of sealing.
314-11	Exhibit I to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 6.
314-12	Exhibit K to Arista's Oppositions to Cisco's MILs	GRANTED as to highlighted portions at page 6, lines 12–15, 17–23; page 7, lines 16–17; page 11, lines 12–13; page 14, lines 3–4.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 7.
314-14	Exhibit L to Arista's Oppositions to Cisco's MILs	GRANTED as to highlighted portions at page 10, lines 1-2, 8-16, 18-20, 22-26; page 11, line 1.	Contains highly confidential and sensitive information relating to Arista's customers and financial information, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 314-1 ¶ 6.
314-16	Exhibit M to Arista's Oppositions to Cisco's MILs	GRANTED as to highlighted portions at page 60, lines 2–25; page 61, lines 1–25; page 62, lines 1–6; page 63, lines 16–17; page 65, lines 13-14, 21-24; page 66, lines 12-16; page 67, lines 3-4, 11-12, 22-24; page 221, lines 23-25, page 222, lines 3-6, 13-16, 21-24;	Contains highly confidential and sensitive information relating to Arista's customers and financial information, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 314-1 ¶ 6.

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
		page 223, lines 8-11.	
314-18	Exhibit O to Arista's Oppositions to Cisco's MILs	GRANTED as to highlighted portions at page 58, lines 14-25.	Contains highly confidential and sensitive information relating to Arista's communication with customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at 314-1 ¶ 6.
314-20	Exhibit P to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 8.
314-21	Exhibit Q to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 9.
314-22	Exhibit R to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 10.
314-23	Exhibit S to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 11.
314-24	Exhibit T to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive product analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 12.



<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
314-25	Exhibit U to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive product analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 13.
314-26	Exhibit V to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 14.
314-27	Exhibit W to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive product analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 15.
314-28	Exhibit X to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 16.
314-29	Exhibit Y to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 17.
314-30	Exhibit Z to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 18.
314-31	Exhibit AA to Arista's	GRANTED.	Contains highly confidential and

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	Oppositions to Cisco's MILs		sensitive information relating to Cisco's internal competitive analyses for marketing product features, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 19.
314-32	Exhibit BB to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 20.
314-33	Exhibit CC to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 21.
314-34	Exhibit DD to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 22.
314-35	Exhibit EE to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 23.
314-36	Exhibit FF to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal competitive analyses, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 24.
314-37	Exhibit GG to Arista's Oppositions to Cisco's	GRANTED.	Contains highly confidential and sensitive information relating to

<u>ECF No.</u>	<u>Document to be Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
	MILs		Cisco's competitive intelligence and tactics, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 25.
314-38	Exhibit HH to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive tactics, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 26.
314-39	Exhibit II to Arista's Oppositions to Cisco's MILs	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's competitive sales tactics, disclosure of which would cause competitive harm to Cisco. Olsheski Decl. at ECF 331 ¶ 27.
320-15	Exhibit JJ to Arista's Oppositions to Cisco's MILs	DEFERRED.	<p>Arista's declaration provides that Arista seeks to seal Exhibit JJ because Cisco sought to seal similar information in relation to Cisco's motion <i>in limine</i> No. 4. Nelson Decl. at 314-1 ¶ 5. However, Arista's motion does not identify Exhibit JJ and thus Cisco may not have received notice that it should have filed a declaration in support of sealing. (Arista publicly filed Exhibit JJ and thus the Court temporarily sealed that document.)</p> <p>The Court will allow Cisco to submit a supporting declaration if it seeks to seal Exhibit JJ.</p>

### III. ORDER

For the foregoing reasons, the sealing motions at ECF 290, 301, 308, and 314 are GRANTED IN PART, DENIED IN PART without prejudice, and DEFERRED IN PART. Several rulings are highlighted below.

The Court DEFERS ruling on Arista's requests to seal portions of Arista's MIL No. 2

(ECF 290-6) and Exhibit 9 to Arista's MILs (290-15), and Cisco's request to seal Exhibit 1 to Cisco's MILs (ECF 301-11). Arista's MIL No. 2 contains information in a sealed Court Order from *Cisco Systems, Inc. v. Arista Networks, Inc.* ("CLI Order on Motions *in Limine*"), No. 14-cv-05344, Dkt. 626. Exhibit 9 to Arista's MILs is a copy of the sealed CLI Order on Motions *in Limine*. Exhibit 1 to Cisco's MILs contains excerpts of that order. Although the CLI Order on Motions *in Limine* has not been publicly filed, the parties indicate that at least some portions of that order may not be sealable. Accordingly, the parties shall meet and confer and submit proposed redactions to the documents at ECF 290-6, 290-15, and 301-11, as well as supporting declaration(s).


The Court DENIES without prejudice Arista's requests to seal Exhibit E to Arista's Oppositions to Cisco's MILs (314-9) and Exhibit H to Arista's Oppositions to Cisco's MILs (314-10) because Cisco, the designating party, has not provided a declaration in support of sealing. However, it appears that Cisco's failure to submit a declaration in support of sealing may have been inadvertent.

The Court DEFERS ruling on Exhibit JJ to Arista's Oppositions to Cisco's MILs (ECF 320-15) because Cisco may not have received notice that it should have filed a declaration in support of sealing if the exhibit contains sealable information.

As for any document which the Court allows the party to submit proposed redactions and supporting declaration(s), they may do so by **June 29, 2018**. If no declaration is submitted, the parties' requests that have been deferred or denied without prejudice may be DENIED with prejudice.

**IT IS SO ORDERED.**

Dated: June 19, 2018

  
BETH LABSON FREEMAN  
United States District Judge